



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Yevamos Daf Yud Tes

- **Q: Abaye** had said, that **R' Shimon** is certain there is a zikah when there is only one yavam, but not when there is more than one yavam. However, **R' Shimon** says in a Braisa, the general rule is, if the new brother is born before the yavam does yibum, the new brother need not do chalitza or yibum if the second brother is to then also die childless. If the brother is born after the yibum (and the second brother then dies without children), he must do chalitza or yibum. Now, presumably this is discussing where there is only one eligible yavam, and still the yevama is not considered to be married to him until the yibum takes place. This suggests that **R' Shimon** does not hold of zikah even where there is only one yavam!? **A:** The Braisa is discussing where there is more than one yavam.
 - **Q:** This would mean that if there was only one yavam, there would be zikah, and the new brother who was born before Shimon's yibum would be subject to yibum and chalitza if Shimon were to die. If so, the Braisa didn't have to contrast cases of where Levi is born before or after the yibum. The Braisa could have stayed consistent with Levi being born before the yibum, and should have differentiated between a case where there is one yavam and a case where there are 2 yavams!? **A:** The Braisa is only discussing a case with 2 yavams.
 - **Q:** By stating a "general rule", **R' Shimon** seems to be discussing cases with one yavam as well!? **Q2: R' Oshaya** asked, a Mishna says, if there are 3 brothers, 2 of which are married to 2 sisters, or a mother and daughter, and these 2 brothers then die without children, the 3rd brother must do chalitza and not yibum. **R' Shimon** says that even chalitza is not needed. Now, if **R' Shimon** holds that there is zikah, the first woman to fall to yibum should be considered as if married to the third brother, and he should have to do yibum or chalitza to that woman even if the second woman then falls to yibum!? **A: R' Shimon** means that the *second* woman is patur.
 - **Q:** A Braisa clearly says that **R' Shimon** says that both women are patur!? **A: Rava** said, the case of the Mishna is where Reuven had 2 wives, and Shimon married the sister of one of those wives and the daughter of the other one. In this case, as soon as Reuven's wives fall to Levi, the zikah makes it that he is considered to be married to one of them. Eventually, he will do yibum or chalitza to one and the other will be patur. Now, one of Shimon's wives are an ervah to Levi as being the relative of one of Reuven's wives (who is his "zikah wife"). The other of Shimon's wives is patur as the tzaras ervah. Based on this, what **R' Shimon** means is that both women of the second pair are patur.
 - **Q:** The Mishna seems to clearly speak of when each has only one wife, which is not like **Rava's** understanding!? Also, a Braisa seems to clearly say that **R' Shimon** says that the wives of both brothers are patur!? **A: R' Ashi** said, if the brothers died one after the other, **R' Shimon** would hold that the zikah created by the first death considers the first widow as married to the brother. However, in this case we are discussing where they died simultaneously, and therefore one zikah was not created before the other.
- **R' Pappa** said, that **R' Shimon** only argues with the **Rabanan** when Levi is born after Shimon had already done yibum. However, when Levi is born before the yibum, he would agree that Levi would be assur to her if Shimon were to die. Although the Mishna should only have discussed the case of the machlokes, the Mishna taught both, even though it seems unnecessary.

- There is a Braisa that is a proof to **R' Pappa** (and therefore refutes **R' Oshaya**). The Braisa says, 1) if Reuven dies without children, and Shimon wanted to do maamer, but before he could, Levi was born, and then Shimon died, Levi is assur to Reuven's wife as an "eishes achiv shelo haya b'olamo", and Shimon's wife needs chalitza or yibum. 2) If Shimon did maamer and then Levi was born, or if Levi was born and then Shimon did maamer, and then Shimon died, Reuven's wife is patur as an eishes achiv shelo haya b'olamo, and Shimon's wife must get chalitza, but not yibum. **R' Shimon** says that yibum or chalitza with Shimon's wife would make Reuven's wife patur. 3) If Shimon did yibum and then died, and then Levi was born, or if Levi was born and then Shimon did the yibum, both women are patur. 4) If Shimon did yibum and then Levi was born, and then Shimon died, **R' Meir** says both women are patur. **R' Shimon** says, since Levi was born when the women were married to Shimon, Levi can do yibum or chalitza to either of the women. Now according to **R' Meir**, these cases can be mingled and taught together. The reason they were separated is because it is only in the last case that **R' Shimon** argues. This is a proof to **R' Pappa's** understanding, **SHEMA MINAH**.
 - **Q:** Why in the Braisa's first case does the Braisa need to say that Shimon "wanted to do maamer"? If it was done, it was done, and if it was not, it was not!? **A:** The Braisa means to say that if he wanted to do maamer but she didn't want to accept it, and he gave it to her against her will, it is not a maamer. This disagrees with **Rebbi**, who says that maamer can be done against her will, just like the "bi'ah" of yibum can be done against her will. The **Rabanan** say, that just like a regular kiddushin cannot be done against her will, so too maamer cannot be done against her will.
 - In the Braisa's second case **R' Shimon** said that yibum or chalitza with Shimon's wife will exempt Reuven's wife. That must be talking only in the case where maamer was done and then Levi was born, because we have proven that **R' Shimon** will not argue if he is born before she was married to the Shimon. Also, even in the first case, if Levi does chalitza to Reuven's wife, it will not exempt Shimon's wife, because Reuven's wife is a safek (depending on whether maamer makes a full kinyan) and Shimon's wife is certainly subject to yibum and chalitza. Chalitza on a safek cannot exempt the obligation which is for certain.
- **R' Menashe bar Zevid** asked, why do the **Rabanan** say Levi is assur to Reuven's wife if Shimon had already done yibum before Levi was born? He comes into the world and finds her to be mutar (by being married to Shimon)!? The reason is that the pasuk says "veyibma" which refers to the woman as a yevama even after yibum. This means that she is always somewhat considered to be the wife of Reuven, which is assur to Levi.
 - **Q:** A Mishna says that once yibum is done she becomes a full-fledged wife in every way (she requires a "get" and may be remarried)!? **A:** The pasuk says "ulikacha lo l'isha", which teaches that she is treated like a regular wife.
 - **Q:** When do we apply which drasha? **A:** We apply the permissive drasha in a permitted situation and the prohibitive drasha in a prohibited situation (where Levi was born after Reuven's death).
 - **Q:** According to **R' Shimon** who says that since the new brother enters the world when the yevama is already married, she is mutar to him, why don't we say that same thing regarding any other ervah (e.g. where Levi is born when his maternal sister is married to his paternal brother we should allow his sister to him for yibum)!? **A:** The other arayos are never removed, and therefore don't get removed in that situation either. The ervah of "eishes ach" does get removed, and therefore it gets removed in this case as well.